

FBI Wiretap Misuse Laid To Presidents

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Democratic and Republican administrations alike have succumbed to the temptations of using the FBI for secret electronic surveillance with alarming consistency, Senate investigators reported yesterday.

The staff of the Senate intelligence committee said that wiretaps and bugs have been used "to serve the interests of Presidents in almost every political arena," often in violation of the procedural safeguards periodically laid down to prevent abuses.

In a 78-page report, the staff warned that the consistency of the practice, under "administrations of both political parties," demonstrates "the immense danger of vesting authority over the use of such techniques solely within the executive branch."

Underscoring the warning, the report added that with today's sophisticated technology, the government can intercept any telephone, telegram or Telex communication transmitted at least partially through the air, as most such communications are.

Perhaps unintentionally, the report, one of a series of 13 that the committee began releasing last week, stood out in many ways as a contrast to FBI Director Clarence M. Kelley's weekend speech in Fulton, Mo., where, for the first time, he publicly placed the blame for FBI wrongdoing on the late J. Edgar Hoover.

Kelley took the position that most of the abuses occurred during the twilight of Hoover's long tenure and suggested that a shorter term for the FBI directorship might cure the problem.

The Senate report, how-

ever, not only contained evidence of abuses early in Hoover's career, but also hints of an erratic determination in his later days to permit fewer of them.

For example, the Senate investigators found that from the early 1960s at least, Hoover put a firm ceiling on the number of warrantless electronic surveillances that could be in operation at one time, a limit that continually frustrated "intelligence officials both within the FBI itself and in other intelligence agencies" of the government.

"...There was always a maximum figure which you were not allowed to exceed, and if you recommended an additional wiretap, it had to be done with the recognition that in another area you would take one off," Charles D. Brennan, FBI assistant director in charge of domestic intelligence, told the committee in a deposition.

Until the mid-60s, the report said, "the maximum figure was approximately 80. Then, in response to a controversial Senate investigation headed by the late Ed-

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ward Long (D-Mo.) in 1965-66, Hoover ordered the bureau to cut the number of ongoing warrantless electronic surveillances in half.

The number "in the security field" alone, the report said without further definition, was accordingly reduced from 76 to 38 "and remained close to the latter figure for several years thereafter."

In 1974, by contrast, the FBI operated 190 warrantless telephone taps and 42 bugs—all on grounds of national security or related purposes such as "information certified as necessary to the conduct of foreign affairs . . .," a category the committee has proposed eliminating.

The Senate study also attacked the longstanding myth that the FBI customarily—and temporarily—reduced the number of its electronic surveillances each year during Hoover's annual appearance before the House Appropriations Committee so that he could, if asked, give a relatively small number.

In 1968, the Senate report showed for example, that there were 33 warrantless electronic surveillances in operation 30 days before Hoover's testimony, 33 in operation on the date of Hoover's testimony, 33 in operation 30 days thereafter. In taps a month before the FBI director testified, 36 the day he testified, and 37 a month later.

The Senate study laid out a widespread sampling of abuses, beginning in 1940 with President Franklin D. Roosevelt's insistence—in the face of a short-lived wiretapping ban by Attorney General Robert H. Jackson—that the practice was necessary against "persons suspected of subversive activities . . ."

By 1941, the bureau was spying upon, among others, labor leader Harry Bridges, who discovered the tap on him. When it came out in the press, according to an account by former Attorney General Francis Biddle,

FDR got a full briefing from Hoover and then, with a broad grin, slapped the FBI director on the back, saying "By . . . Edgar, that's the first time you've been caught with your pants down."

That same year, under the standard of unearthing "persons suspected of subversive activities," Biddle approved a wiretap on the Los Angeles Chamber of Commerce.

In 1945, a wiretap was turned against a former Roosevelt White House aide whose activities reportedly chagrined President Truman on the grounds that they might "interfere with the proper administration of government."

The aide's name was not mentioned, but according to reliable sources, it was Washington lawyer Thomas G. Corcoran. According to the Senate study, "More than 175 reports overheard on this wiretap, which continued until 1948, were delivered to the Truman White House."

President Eisenhower's Attorney General, Herbert Brownell, was singled out in the report for sharp criticism for asserting in 1954 that bugs in a bedroom might be necessary from time to time and for giving a blank check to "unrestricted use of this technique in the national interest."

The Brownell opinion, Senate investigators said, not only reversed former Attorney General Howard McGrath's ban on microphone surveillances requiring break-ins, but took issue with a 1954 Supreme Court ruling denouncing "the indecency of installing a microphone in a bedroom."

The report also noted that wiretap surveillance data was indiscriminately circulated. Between 1963 and 1968, the report said, at least two updated versions of a monograph on the late Dr. Martin Luther King Jr., including a section on his personal life that was compiled from hotel suite bugs, was distributed through the government.

On one of these occasions, in December, 1964, the dis-

tribution was expressly authorized by Johnson White House assistant Bill Moyers.

During the Kennedy administration, the report showed, Attorney General Robert F. Kennedy not only initiated an extensive series of taps and bugs for a sugar lobby investigation, but also decided, once the administration got the bill it wanted, that "he did not feel there was justification for continuing this extensive investigation."

As a 1966 FBI memorandum put it in summing up this inquiry, "undoubtedly, data from our coverage contributed heavily to the administration's success in (passage of the bill desired)," the report recounted.

The targets of the government's electronic eavesdropping ranged over the years from suspected communists to Ku Klux Klansmen, Puerto Rican nationalists, members of the New Left, pro-Arab groups and black nationalists such as Elijah Muhammed and Malcolm X.

The scope would have been broader if all requests had been approved. According to testimony from former Attorney General Ramsey Clark, among the plans he denied were requests to tap Abba Ebban during a visit to the United States as well as an employee of the United Nations Secretariat, the Organization of Arab Students in the United States, the Tanzanian Mission to the United Nations, the office of the agricultural counselor at the Soviet embassy and a correspondent for Tass, the Soviet news agency.